UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,802	10/10/2006	Jean-Marie Gouot	P/4976-35	5203

2352 7590 08/24/2009

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER	
PIHONAK, SARAH	
ART UNIT	PAPER NUMBER
1617	
MAIL DATE	DELIVERY MODE
08/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/587,802	GOUOT ET AL.	
	Examiner	Art Unit	
	SARAH PIHONAK	1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-21* is/are pending in the application.

4a) Of the above claim(s) *20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This application is a 371 (national stage application) of PCT/EP05/02563, filed on 2/10/2005.

Priority

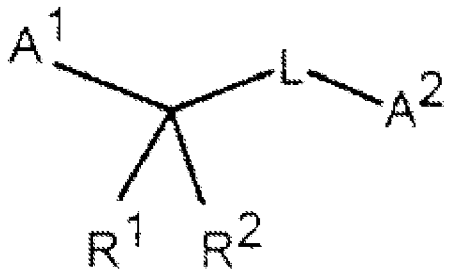
This application, filed on 10/10/2006, claims foreign priority to the following applications: No. 04356019.2, filed on 2/12/2004, and No. 04356096.0, filed on 6/11/2004.

Response to Arguments

1. In the office action dated 3/17/2009, claims 1-2, 4-9, and 17-19 were provisionally rejected for nonstatutory obviousness type double patenting over claims 1-2, 4-9, 12, and 15-17 of co-pending Application No. 10/588532, in view of Leroux, *Pest. Sci.*, **47**, pp. 191-197. The instant claims were directed to phytopathogenic fungicidal compositions comprised of pyridylethylbenzamide derivatives of formula (I), as well as an additional fungicidal compound (b), which is capable of inhibiting the transport of electrons in cellular respiration of fungal organisms; and an additional anti-fungal compound (c). The co-pending claims were directed to a fungicidal compositions of pyridylethylbenzamide compounds of the same formula (I), as well as additional fungicidal compound (b) and (c). In response, the Applicants submitted a terminal disclaimer filed under 37 CFR § 1.321, on 6/1/2009. However, the terminal disclaimer has been disapproved, as the attorney on the disclaimer is not an attorney of record. Therefore, the

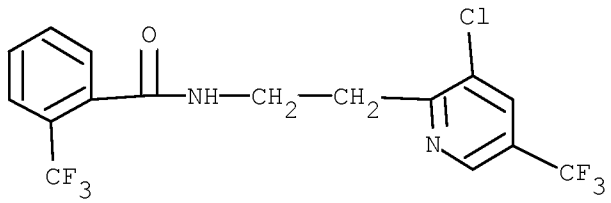
rejection of claims 1-2, 4-9, and 17-19 for nonstatutory obviousness type double patenting is maintained. In the reply filed on 6/1/2009, the Applicants cancelled claims 1-8 and added new claim 21. Due to the claim amendments, a modified rejection of the claims for obviousness type double patenting has been applied, which will be explained in detail further in the office action.

In the office action dated 3/17/2009, claims 1-2, and 4-19 were rejected under 35 USC § 103(a) as being unpatentable over Cooke et. al., WO 2001/11965, in view of Holah et. al., WO 2002/069712, and further in view of Colby, *Weeds*, **15**, pp. 20-22. The Applicants' arguments, filed 6/1/2009, have been fully considered, and are found persuasive in part. The Applicants have argued that Cooke et. al. discloses numerous pyridylethylbenzamide compounds, but does not specifically teach the elected pyridylethylbenzamide derivative, N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide. In response, it is noted that Cooke et. al. broadly teaches pyridylethylbenzamide derivatives (p. 49, claim 1). Specifically, Cooke et. al. teaches pyridylethylbenzamide derivatives of formula (I), shown below:



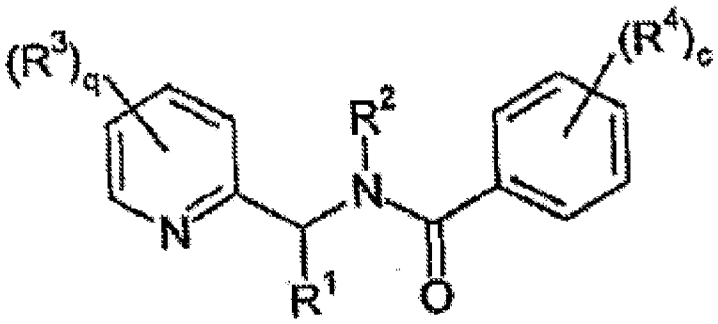
(I)

Where A^1=2-pyridyl, which is substituted up to 4 groups, at least one of which is haloalkyl, etc.; R^1, R^2, R^3, R^5=R^b, etc.; R^b= H, etc.; L=-CH(R^3)N(R^5)C(=X)-, etc.; X=O, etc.; A^2=carbocyclyl, which is substituted, etc. The structure of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethyl benzamide is shown below:



The compound N-{2-[3-chloro-(5-trifluoromethyl)-2-pyridinyl]ethyl} -2-trifluoromethyl benzamide is a species of formula (I), taught by Cooke et. al. Therefore, while it is acknowledged that Cooke et. al. does not explicitly show examples of this particular species, the species itself is included in the compounds taught by Cooke et. al.

The Applicants' have argued that Cooke et. al. does not teach combination of the pyridylethylbenzamide derivatives with any of the specific fungicidal compounds (b) instantly claimed, and that Holah et. al. teaches combinations of compounds which are different from the compounds instantly claimed. In response, it was acknowledged in the office action dated 3/17/2009 that while Cooke et. al. teaches that the pyridylethyl benzamide compounds can be combined with other fungicidal agents, the additional claimed fungicidal agents are not taught. Holah et. al. teaches that pyridylmethyl benzamide compounds, of the formula shown below, are combined with at least one additional compound which inhibits the transport of electrons in the respiratory chain of phytopathogenic fungi:



(I)

Where R^3=halogen, etc.; R^1=H, etc.; ^{R2}=H, etc.; R^4=halogen, etc.; q=0-4; c=0-5. Therefore, while it is acknowledged that Holah et. al. does not explicitly teach the species N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide, compounds which share the same structural backbone and functional groups are taught. The compounds taught by Holah et. al. differ from the instantly claimed compounds, in that the compounds taught by Holah et. al. have a methyl group between the pyridine ring and the benzamide moiety, while the instantly claimed compounds have an ethyl group in this position. Therefore, the compounds taught by Holah et. al. and the instantly claimed compounds are homologues of each other. Homologues are chemical compounds which differ by a $-CH_2-$ moiety. Homologous compounds are not expected to differ in terms of biological reactivity from one another, absent unexpected results. Therefore, as the compounds taught by Holah et. al. also function against phytopathogenic fungi, and as Holah et. al. teaches combination of the pyridylmethylbenzamide compounds with additional compounds that inhibit the electron transport in fungi, the instant invention would have been obvious

over Cooke et. al., in view of Holah et. al. One of ordinary skill in the art would have expected success at the time of the invention, in combining the pyridylethyl benzamide compounds taught by Cooke et. al. with agents which inhibit the transport of electrons in phytopathogenic fungi as taught by Holah et. al., because both types of compounds are taught as being effective in reducing the growth of phytopathogenic fungi. Therefore, as the compounds have the same utility, one of ordinary skill in the art would have expected success in combining the compounds. Therefore, the rejection was proper.

In the office action dated 3/17/2009, the reference of Colby was also applied to the rejection, as Colby teaches a method for calculating synergistic combinations of compounds for herbicides. The Applicants' have argued that while Colby teaches a method of determining if synergism is present, the method is not used to create synergistic combinations. The Applicants' have also presented results in the specification which show a synergistic combination when specific compounds of formula (I), such as N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide, are combined with particular agents which inhibit the transport of electrons in cellular respiration of phytopathogenic fungi, in a specific ratio from 0.01 to 20. These particular results are found persuasive, and provide unexpected synergism over the prior art. However, while the specification provides support for synergy between some compounds of formula (I) and some compounds that inhibit electron transport, it does not provide support for synergy between all of the claimed compounds. It is noted that while the specification provides examples of synergy, in the claimed ratio

ranges, between N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide and compounds such as boscalid, trifloxystrobin, and several other compounds, there are no such results presented for the combination of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide and diflumetorim. It is noted in the claims that diflumetorim is a compound which inhibits the reduced nicotinamide-adenine dinucleotide dehydrogenase in fungi. Therefore, while some of the chemical combinations expressing synergy are found persuasive over the prior art, not all of the claimed combinations have support from the specification, such as compounds which inhibit the reduced nicotinamide-adenine dinucleotide dehydrogenase in fungi. Therefore, in consideration of the synergistic results and the amended claim set, a modified rejection of the claims is applied, which will be discussed in detail further in this office action. In the office action dated 3/17/2009, claims 3 and 20 had been withdrawn as non-elected inventions and species. In the reply filed on 6/1/2009, an amended set of claims was submitted, in which claims 1-8 were cancelled by the Applicant, and new claim 21 was added. The rejection of claims 9-11, 17-19, and 21 under 35 USC § 103(a) over Cooke et. al., in view of Holah et. al., and further in view of Colby is maintained, which will be discussed in detail. Claims 12-16 are found to be free of the prior art in view of the results provided in the specification which demonstrate synergistic combinations within the instantly claimed ratios. Accordingly, this action is made **FINAL**.

Furthermore, it is noted that claim 21 contains the terms "as to the N-oxides of 2-pyridine thereof". It is not certain what the Applicants are referring to by this, as N-oxides are not among the pyridinylethylbenzamide compounds present in the specification. Due to this limitation in the newly added claim 21, a rejection of the claims under 35 USC § 112, second paragraph, is made, which will be explained in detail further in this office action.

2. Claims 9-21 are pending.

3. Claim 20 was previously withdrawn.

4. Claims 9-19 and 21 are rejected.

Claim Rejections-Obviousness Type Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 9-19 and 21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-17, and 19 of copending Application No. 10/588532 in view of Leroux, *Pest Management Science*, **47**, pp. 191-197.

This is a provisional obviousness-type double patenting rejection. The instant claims are directed to a fungicidal composition comprised of the elected compound N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide, and (b), which is a compound capable of inhibiting the transport of electrons in the respiratory chain of phytopathogenic fungi, in a (a)/(b) weight ratio from 0.01 to 20. The instant claims are also directed to an additional anti-fungal compound (c). The co-pending claims are directed to a fungicidal composition comprised of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide, and (b), which is a compound that inhibits spore germination or mycelium growth, in a (a)/(b) weight ratio from 0.01 to 20. The co-pending claims are also directed to an additional anti-fungal compound (c). While the (b) components between the instant and co-pending claims act on different metabolic pathways of fungi, both sets of claims include a component (c). As the instantly claimed compounds of component (c), such as captan, are taught by Leroux as acting to inhibit spore germination (p. 191, right column, first paragraph), the instantly claimed composition includes compounds of the composition claimed in the co-pending application. Furthermore, the compound iprodione, which is claimed in the co-pending application, is taught as having the ability to both inhibit electron transport and mycelium growth (p 193,

right column, third full paragraph). Additionally, the claims use comprising language, and therefore do not exclude the presence of additional agents. Therefore, the instant claims and co-pending claims are not patentably distinct from each other.

Claim Rejections-35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

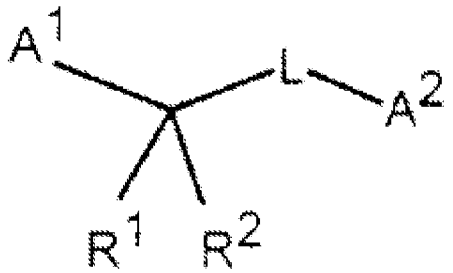
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 9-11, 17-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooke et. al., WO 01/11965, in view of Holah et. al., WO 02/069712, and further in view of Colby, *Weeds*, **15**, pp. 20-22.

10. The instant claims are directed to a composition comprised of the elected species of formula (I), N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide, and an additional anti-fungal agent (b), which is

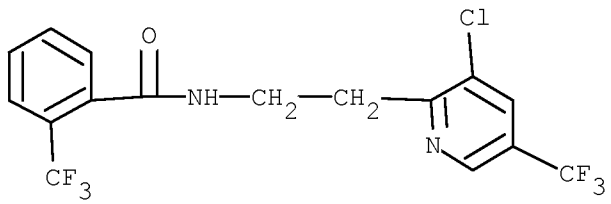
capable of inhibiting the transport of electrons in cellular respiration, in a weight ratio of (a)/(b) from 0.01 to 20. The instant claims are also directed to an additional component (c), which is present in the composition.

Cooke et. al. teaches antifungal compounds of formula (I), shown below (p. 49, claim 1):



(I)

Where A^1=2-pyridyl, which is substituted up to 4 groups, at least one of which is haloalkyl, etc.; R^1, R^2, R^3, R^5=R^b, etc.; R^b= H, etc.; L=-CH(R^3)N(R^5)C(=X)-, etc.; X=O, etc.; A^2=carbocyclyl, which is substituted, etc. The structure of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide is shown below:

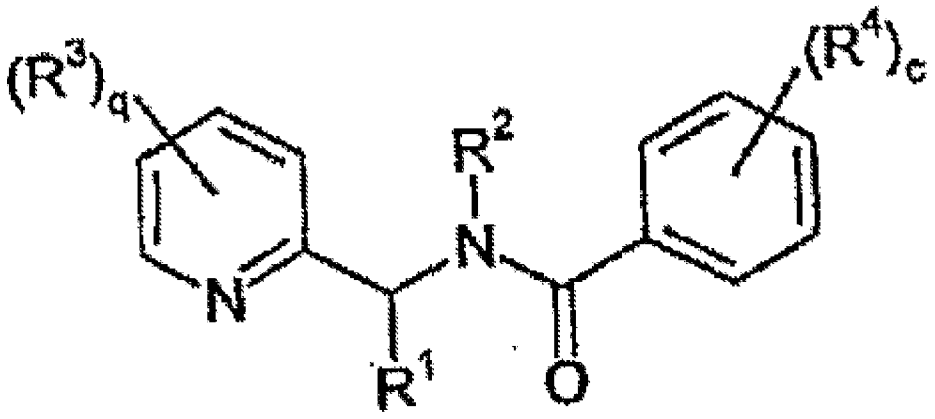


The elected compound N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide is a species of formula (I), taught by Cooke et. al.

Therefore, while it is acknowledged that Cooke et. al. does not explicitly show examples of this particular species, the species itself is included in the compounds taught by Cooke et. al. Cooke et. al. also teaches that the composition comprises diluents, carriers, and surface active agents (p. 9, paragraph [0039]; p. 10, paragraph [0042]).

While Cooke et. al. teaches that the composition can further comprise additional anti-fungal agents (p. 10, paragraph [0041]), Cooke et. al. does not explicitly teach combination with the specifically claimed anti-fungal agents that inhibit electron transport in cellular respiration of fungi. It is also not taught that the ratio of the pyridylethylbenzamide derivatives to additional anti-fungal agent is from 0.01 to 20.

Holah et. al. teaches that pyridinylmethylbenzamide derivatives of the formula shown below are active as fungicide agents (pp. 36-37, claim 1):



(I)

Where R^3=halogen, etc.; R^1=H, etc.; R^2=H, etc.; R^4=halogen, etc.; q=0-4; c=0-5. While Holah et. al. does not explicitly teach the pyridinylethylbenzamide derivative, N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide, the compounds taught by Holah et. al. are homologues, in that they differ by a -CH_2-moiety between the pyridine ring and benzamide ring. As the compounds are homologues, in that they differ by a -CH_2- moiety but share the same core structure and functional groups, one of ordinary skill in the art would have expected the compounds to possess similar anti-fungal activity. Holah et. al. teaches that compounds of formula (I) above are combined with agents that inhibit electron transport in cellular respiration of fungal organisms, such as diflumetorim (p. 10, lines 11-21), flutolanil (p 10, lines 11-27), azoxystrobin (p. 39, claim 9). Furthermore, Holah et. al. also teaches that, in addition to the pyridylmethylbenzamide derivatives and agents which inhibit electron transport in fungal organisms, the composition can further comprise an additional anti-fungal compound (c), such as captan (p. 10, lines 11-16), which meets the limitations of instant claims 17 and 18.

Cooke et. al. teaches compounds which include the elected pyridylethyl benzamide species, N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-2-trifluoromethylbenzamide. Holah et. al. teaches that homologous pyridylmethylbenzamide compounds are combined with agents that inhibit the transport of electrons in phytopathogenic fungi, to provide effective fungicidal activity. It would have been prima facie obvious, for one of ordinary skill in the art, at the time of the invention, to combine the N-{2-[3-chloro-5-(trifluoromethyl)-2-

pyridinyl]ethyl}-2-trifluoromethylbenzamide species with compounds that inhibit electron transport because Holah et. al. teaches that homologous pyridylmethylbenzamide compounds have potent anti-fungal activity when combined with these additional compounds, such as diflumetorim. As N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridyl]ethyl}-2-trifluoromethylbenzamide and the homologous compounds taught by Holah et. al. both function as fungicides, one of ordinary skill in the art would have expected success in substituting N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridyl]ethyl}-2-trifluoromethylbenzamide for the compounds taught by Holah et. al. As Holah et. al. teaches that the pyridylbenzamide compounds have beneficial activity when combined with additional compounds that inhibit electron transport in fungi, one would have expected similar results when combining N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridyl]ethyl}-2-trifluoromethylbenzamide with such agents.

Holah et. al. does not teach that the weight ratio of N-{2-[3-chloro-5-(trifluoromethyl)-2-pyridyl]ethyl}-2-trifluoromethylbenzamide to compounds which inhibit electron transport are from 0.01 to 20. However, it would have been considered routine and obvious for one of ordinary skill in the art to determine specific working ranges for weight ratio combinations of compounds, particularly as Holah et. al. teaches combinations of homologous pyridylbenzamide compounds with the instantly claimed (b) compounds.

Colby teaches a formula for calculation of the synergistic effect resulting from combinations of different herbicide agents (p. 20, formula IV). While it is acknowledged that Colby does not teach how to derive specific combinations of

compounds which result in synergism, Holah et. al. teaches that combinations of homologous pyridylmethylbenzamide derivatives with compounds which inhibit electron transport are especially active as fungicidal agents. Therefore, in the formulation of optimized weight ratio ranges, it would have been obvious for one of ordinary skill in the art to utilize the formula taught by Colby to aid in determining beneficial synergistic combinations.

Claim Rejections-35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 9-19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 cites the following limitation “as to the N-oxides of 2-pyridine thereof”. It is not certain what is meant by this limitation, as the pyridylethylbenzamide compounds cited in the claim are not N-oxides. Additionally, there are no examples of N-oxide pyridylethylbenzamide compounds in the specification. Therefore, the claim limitations cannot be fully determined and the claim is indefinite. Claims 9-19, which are dependent claims of claim 21, are also rejected for this reason.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH PIHONAK whose telephone number is (571)270-7710. The examiner can normally be reached on Monday-Thursday 8:00 AM - 6:30 PM EST, with Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on (571)272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.P.

/SREENI PADMANABHAN/

Supervisory Patent Examiner, Art Unit 1617